

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

**ROBERT J. LANDWEHR,
SUSAN R. LANDWEHR,
JACK W. DUKE, JR. and
JOY L. DUKE,**

Defendants.

8:06CR284

ORDER

This matter is before the court on the motion for an extension of time by defendants Jack W. Duke, Jr., and Joy L. Duke (Filing No. 26). The Dukes seek an extension of time until October 9, 2006, in which to file pretrial motions pursuant to paragraph 3 of the progression order (Filing No. 13). Upon consideration, the motion will be granted. **The deadline will be extended as to all defendants.**

IT IS ORDERED:

1. Defendants Dukes' motion for an extension of time (Filing No. 26) is granted. All defendants are given until **on or before October 9, 2006**, in which to file pretrial motions pursuant to the progression order (Filing No. 13). The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **September 15, 2006 and October 9, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. The evidentiary hearing tentatively scheduled for 1:00 p.m. on October 4, 2006, is **canceled** and will be rescheduled, if necessary, following the filing of any pretrial motions in accordance with this order.

DATED this 15th day of September, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge